



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2022 REGULAR SESSION

SENATE BILL NO. 106

WEDNESDAY, FEBRUARY 9, 2022

The following bill was reported to the House from the Senate and ordered to be printed.

RECEIVED AND FILED
DATE 3/24/22
1:00 PM
MICHAEL G. ADAMS
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY [Signature]

1 AN ACT relating to the administrative dissolution of cities.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 →SECTION 1. A NEW SECTION OF KRS CHAPTER 81 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) In order to update the record of incorporated cities listed in the Secretary of
6 State's office, every city operating as a public corporation and a unit of local
7 government shall file with the Department for Local Government before
8 September 1, 2022, a document listing the name of the city, the address and
9 phone number of its headquarters, the year of its incorporation if it is known,
10 and its form of government. Any city that made a filing with the Department for
11 Local Government pursuant to KRS 83A.085 after January 1, 2022, shall be
12 deemed in compliance with this subsection without any further action.

13 (2) If a city does not timely file the information set out in subsection (1) of this
14 section, the Department for Local Government shall, no later than October 15,
15 2022, notify the city in writing by first class mail return receipt requested, at the
16 city's last known official address that the city is not in compliance with the
17 provisions of subsection (1) of this section. The notice shall include:

18 (a) The filing requirements imposed by this section; and

19 (b) A statement to the city that failure to comply with the requirements of
20 subsection (1) of this section by December 1, 2022, shall subject the city to
21 administrative dissolution proceedings under this section.

22 (3) If the Department for Local Government does not receive a response from the city
23 by December 1, 2022, then the Department for Local Government shall cause to
24 be published in a newspaper of general circulation serving the residents in the

25 area of the city pursuant to KRS Chapter 424, and in a prominent place on the
26 department's Web site, a notice stating that:

27 (a) The city has failed to respond in accordance with the provisions of

- 1 subsections (1) and (2) of this section, and therefore, the city is subject to
2 dissolution proceedings if the city fails to respond to the requirements of
3 subsection (1) of this section, or any citizen, resident, or creditor of the city
4 fails to enter a defense as set out in this subsection by January 1, 2023;
- 5 (b) Creditors of the city are hereby notified that the debts of the city shall be
6 extinguished if they are not otherwise discoverable in the administrative
7 hearing, or unless a successful defense is entered pursuant to the
8 administrative hearing convened pursuant to this section; and
- 9 (c) Citizens, residents, or creditors of the city may enter a defense to the
10 administrative dissolution by sending in written notice to the Department
11 for Local Government that includes their name and other contact
12 information, the city's name in question, a preliminary statement of their
13 legal claim of why the city should not be administratively dissolved, or the
14 entry of a claim against the city by a creditor, and any other information the
15 Department for Local Government deems necessary to carry out the
16 provisions of this subsection.
- 17 (4) After January 1, 2023, the Department for Local Government shall arrange for
18 an administrative hearing to be set pursuant to the provisions of KRS Chapter
19 13B to determine whether or not the city shall be administratively dissolved for
20 failure to comply with subsection (1) of this section. The hearing shall be
21 conducted within the boundaries of the city being administratively dissolved, or if
22 no place within the city is suitable, the administrative hearing shall be conducted
23 in a place as close as possible to the city in order to provide easy access to the
24 hearing by persons living within the city. If a citizen, resident, or creditor of the
25 city has entered a defense pursuant to this section by January 1, 2023, the
26 defense shall be heard at the hearing, and the hearing officer shall decide
27 whether or not the city shall be administratively dissolved. If no citizen, resident,

1 or creditor of the city enters a defense to administrative dissolution, then the city
2 shall be declared administratively dissolved.

3 (5) No city shall be dissolved pursuant to this section if:

4 (a) The city is maintaining a city government by both the election or
5 appointment of officers, and the levying and collection of necessary taxes;

6 (b) The city provides the information required in subsection (1) of this section
7 in response to the inquiries in subsections (1) to (3) of this section before
8 January 1, 2023; or

9 (c) A successful defense is made to the petition as set out in subsection (4) of
10 this section.

11 (6) Any elected official of the city, any citizen or resident of the city, or any creditor
12 may appeal the decision of the hearing officer in accordance with the provisions
13 of KRS Chapter 13B.

14 (7) If the city is dissolved pursuant to this section, the Department for Local
15 Government shall notify the Secretary of State and the county clerk of each
16 county wherein the city was located of the dissolution. The county clerk shall
17 properly index and file the notice as a permanent record in that office.


18 (8) Any debts of the city shall be satisfied on a pro-rata basis. Any assets of the city
19 remaining after dissolution shall be transferred to the county or counties in
20 which the city was located. If the creditors agree to a pro-rata share of the city's
21 remaining assets, or if no creditors appear after notification occurs or the time
22 period elapses pursuant to subsection (4) of this section, then the remaining debts
23 of the city shall be extinguished. In no event shall the county be liable for any
24 remaining debts of the city after the assignment of any remaining assets.

25 (9) Any judgment granting the dissolution of a city made pursuant to this section
26 shall not impair the incorporation of a city at a future date under the provisions
27 of KRS 81.050 and 81.060 that may include all or a portion of the former city's

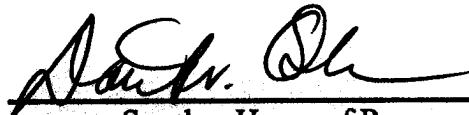
1 boundaries.

2 (10) (a) If a city that is dissolved pursuant to this section has a utility in operation at
3 the time of dissolution, then that utility shall remain in operation pursuant
4 to the authority under which it was created unless the utility is declared part
5 of the county or reorganized under paragraph (b) of this subsection.
6 However, the county judge/executive of the county in which the utility
7 operates shall make appointments to replace any board members whose
8 terms expire after the dissolution of the city.

9 (b) With the agreement of the board of the city utility, or in the absence of a
10 board, at the discretion of the county judge/executive, the county
11 judge/executive may declare the city utility a department of the county, or
12 may reorganize the city utility as a special district, either standing alone, or
13 combining it with an existing special district in operation in the county
14 under the provisions of KRS 67.715.

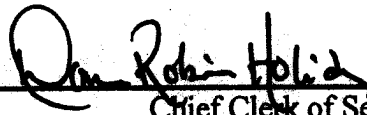


President of Senate



Speaker-House of Representatives

Attest:



Chief Clerk of Senate

Approved



Governor

Date

3/24/2022